



State of New Jersey

DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF LAW
25 MARKET STREET
PO BOX 0112
TRENTON, NJ 08625-0112

PHILIP D. MURPHY
Governor

TAHESHA L. WAY
Lt. Governor

MATTHEW J. PLATKIN
Attorney General

MICHAEL T.G. LONG
Director

October 18, 2024

Via ECF

Honorable Georgette Castner, U.S.M.J.
United States District Court for the District of New Jersey
Clarkson S. Fisher Building & U.S. Courthouse
402 East State Street
Trenton, NJ 08608

Re: Doe v. Delaware Valley Regional High School Bd. of Ed., et al.
Docket No.: 3:24-cv-00107-GC-JBD

Dear Judge Castner:

Although Plaintiff brings to this Court's attention a recent opinion resolving cross motions for summary judgment in *Tatel v. Mt. Lebanon School District*, --- F. Supp. 3d ---, 2024 WL 4362459 (W.D. Pa. Sept. 30, 2024), *see* ECF No. 85, this Court has already soundly distinguished *Tatel* on its facts, *see* ECF No. 37 at 20-21, and nothing in this most recent opinion has changed such that *Tatel* would now favor Plaintiff's request for preliminary relief when it previously did not.

As this Court already found in denying Plaintiff's TRO request, the challenged actions in *Tatel* involved affirmative behavior by a teacher—teaching first graders non-curricular content about gender identity—wholly unlike the non-coercive policy challenged here, which simply defers to student choice on gender. *See* ECF No. 37 at 20-21; *see also* State Defendants' Brief in Opposition to Plaintiff's Motion for Preliminary Injunction, ECF No. 45 at 21-25. Further, this Court has already considered and distinguished the Third Circuit precedents discussed in *Tatel*, including *Gruenke v. Seip*, 225 F.3d 290 (3d Cir. 2000) and *C.N. v. Ridgewood Board of Education*, 430 F.3d 159 (3d Cir. 2005), and properly concluded that those cases, like *Tatel*, involved "proactive, coercive interference with the parent-child relationship" not present here. ECF No. 37 at 15-16.



In short, the summary judgment opinion in *Tatel* provides no support for Plaintiff's preliminary injunction request.

Sincerely yours,

MATTHEW J. PLATKIN
ATTORNEY GENERAL OF NEW JERSEY

By: /s/Matthew Lynch
Matthew Lynch
Deputy Attorney General

Cc: Via ECF
All counsel of record